

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: ETHICON, INC.,  
PELVIC REPAIR SYSTEMS  
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

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THIS DOCUMENT RELATES TO THE CASE(S)  
ON THE ATTACHED EXHIBIT(S)

**ORDER**

(Dismissing Certain Defendants with Prejudice  
and possible transfer of case(s) to MDL 2326)

Pending in MDL 2327, 2:12-md-2327 [ECF No. 7735] is a Joint Motion to Dismiss DefendantS with Prejudice filed by plaintiff(s), identified in Exhibit(s) A, and C. R. Bard, Inc., (“Bard”), and Sofradim Production SAS,<sup>1</sup> Tissue Science Laboratories Limited,<sup>2</sup> and Covidien LP<sup>3</sup> (collectively “Covidien”). Also pending is plaintiff(s)’ Motion to Transfer MDLs. [ECF No. 7735]. The Motions seek an order (1) granting dismissal of Bard and Covidien as defendants in these actions(s) with prejudice because all claims between them have been compromised and settled, including all claims, counterclaims, cross-claims and third-party claims; and (2) transferring the case(s) to MDL 2326.

For any case(s) on the attached exhibit(s) that was subject to the Pretrial Order (Docket Control

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<sup>1</sup> Sofradim Production SAS includes any incorrect or incomplete spellings of this Defendant, including Sofradim Corporation, Sofradim Corp., Sofradim Production, and Sofradim Production, SAS.

<sup>2</sup> Tissue Science Laboratories Limited includes any incorrect or incomplete spelling of this Defendant, including Tissue Sciences Laboratories, Tissue Science Laboratories Ltd., Tissue Science Laboratories, Inc., Tissue Science Laboratories, Limited and Tissue Science Laboratories, Ltd.

<sup>3</sup> Covidien LP includes any incorrect or incomplete spellings of this Defendant, as well as any improperly named affiliates of this defendant, including Covidien Holding, Inc., Covidien Inc., Covidien Incorporated, Covidien International Finance, SA, Covidien LLC, Covidien Ltd., Covidien Trevoux, SCS, Covidien plc, Covidien, Inc., Covidien, LLC, and Covidien, PLC, Tyco Healthcare Group LP, TYCO Healthcare, Tyco Healthcare Group, L.P., Tyco International Ltd, United States Surgical Corporation, United States Surgical Corp., Floreane Medical Implants SA, Floreane Medical Implants, SA, Mareane, SA, Mareane SA, Medtronic PLC, Medtronic International Technology, Inc., Medtronic MiniMed, Inc., Medtronic Puerto Rico Operations Co., Medtronic Sofamor Danek USA, Inc., Medtronic Sofamor Danek, Inc., USA, Inc., Medtronic USA, Inc., Medtronic, Inc. and Medtronic, Inc.

Order) entered on January 30, 2018, as amended on June 13, 2018 (hereinafter collectively referred to as the “Omnibus PTO”) and is being transferred by this order to C. R. Bard, Inc. MDL 2187, American Medical Systems, Inc. MDL 2325, Boston Scientific Corporation MDL 2326 or Ethicon, Inc. MDL 2327, the court will no longer direct the Clerk to file in each individual case, the Omnibus PTO that corresponds to the MDL in which the case is being transferred.<sup>4</sup> Because all deadlines in the Omnibus PTO were the same across the MDLs cited above and all deadlines have since passed, the court finds it unnecessary to docket the corresponding Omnibus PTO for the MDL to which the case is being transferred. Any remaining provisions of the Omnibus PTO continue to apply.

The court **ORDERS** that:

- (1) the Motion to Dismiss with Prejudice is **GRANTED**; the Plaintiff(s)’ Motion to Transfer is **DENIED as moot**; and
- (2) the Bard and Covidien defendants are **DISMISSED WITH PREJUDICE** from the action(s) listed on the attached Exhibit(s) A;
- (3) if there are no remaining defendants in a civil action, then (a) that civil action is dismissed and stricken from the docket and (b) any pending motions are **DENIED** as moot; and,
- (4) if other defendants remain in a civil action, then those actions are **TRANSFERRED** to MDL 2326.

The court **DIRECTS** the Clerk to:

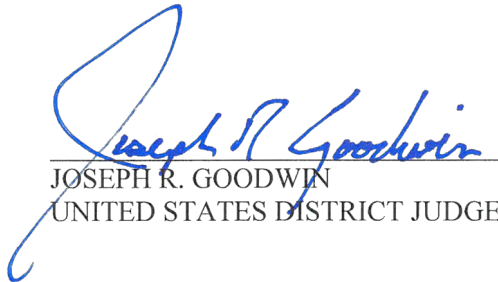
- (1) dismiss the Bard and Covidien defendants from the individual civil action(s) with prejudice;
- (2) if no other defendants remain in an individual action, then (a) strike the action from the docket, and (b) close the case;

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<sup>4</sup> The Docket Control Orders entered in MDL 2187 – Wave 7, MDL 2325 – Wave 3, MDL 2326 – Wave 4 and MDL 2327 – Wave 8, on January 30, 2018 (as amended on June 13, 2018), set identical discovery dates, and pretrial motion dates. The Docket Control Orders were identical except for the necessary changes to make it applicable to each MDL.

- (3) if there are remaining defendants in an individual action, then (a) transfer the case to MDL 2326, and (b) if the case has a Wave flag set from the Omnibus Order, then change the Wave flag to the appropriate Wave flag if necessary;
- (4) file a copy of this Order in MDL 2327 and in each individual case on the attached Exhibit(s);  
and,
- (5) send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 3, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

**EXHIBIT A – FRANKLIN D. AZAR & ASSOCIATES**

<b>CIVIL ACTION NUMBER</b> (listed numerically in ascending order)	<b>Case Name</b>
2:13-cv-03953	Hansen, Sheri and Steven